

**"Residents at Risk? Weaknesses Persist in Nursing Home
Complaint Investigation and Enforcement"
Statement of Senator John Breaux**

Thank you, Mr. Chairman for holding this important hearing. I appreciate your demonstrated commitment to America's most vulnerable population, the frail elderly. Ensuring that this population receives quality care is undoubtedly the most important thing we do on this Committee. I also want to thank our witnesses, especially Ms. Gloria Cruz and Ms. Denise Bryant, for coming to share their stories.

Today we will hear that though some inroads have been made to improving the quality of care in nursing homes and the oversight these facilities receive, more work is needed. We must continue to ensure that our seniors receive only the best care. Moreover, when proper care is not given, federal and state authorities must work with the industry to correct deficiencies once and for all, and investigate complaints in a timely manner.

In addition to enforcing current regulations, we must ensure that there are people to carry them out. As Mr. Grob of the OIG will testify, one of the underlying causes of quality of care problems is inadequate staffing of nursing homes. I noted at last July's hearing that in my own state of Louisiana, a dearth of qualified health care workers exists. It stands to reason that laws and regulations will never be effective without workers to carry them out. I will continue to work with the Health Care Financing Administration (HCFA) and the nursing home industry to find a solution to this problem.

Following July's hearing on the quality of care in nursing homes, HCFA embarked on implementing a very aggressive enforcement policy. Last week, HCFA announced plans to give greater guidance and oversight to the complaint investigation process. I believe that the complaint investigation process can be a very effective tool in monitoring the quality of care in nursing homes. I look forward to hearing these plans for improvement in more detail. Consumers have the right to know that when they file a complaint on behalf of a loved one, it is investigated swiftly and the appropriate enforcement action is taken.

Lastly, we need enforcement measures that deter deficiencies and maintain compliance with state and federal regulations. We can no longer accept repeat offenders that yo-yo back and forth, in and out of compliance. The GAO report on enforcement reveals that *40 percent* of homes with deficiencies are repeat offenders. This is not acceptable. We must also ensure that HCFA and the states have the needed resources to carry out enforcement measures. States cannot investigate complaints or conduct re-visits that determine compliance without the necessary resources and staff.

I look forward to continue working with HCFA and the nursing home industry to ensure that older Americans can trust the quality of life in nursing homes. The majority of nursing homes provide outstanding care, and we must work with them to make sure that bad apples are driven from the system. Congress, HCFA and the nursing home industry have all made strides toward improving the quality of care in nursing homes. However, we must not be afraid to take the further steps needed to eliminate all deficiencies and to provide only the best care for our seniors.